

MONDAY, FEBRUARY 11, 1991

EIGHTH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Ricky Watkins, Middleburg Baptist Church, Hardeman County.

Representative Page Walley led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Bell; due to out-of-state commitment.

Representative Duer; due to illness.

Representative Tullos; due to illness.

RULES SUSPENDED

Rep. Robinson (Davidson) moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 75 out of order, which motion prevailed.

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House Joint Resolution No. 0075 -- Memorials, Heroism -- All Americans and Tennesseans serving as part of Operation Desert Storm. by *Naifeh, *Robinson Robb.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Robinson (Davidson), with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Hillis moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 74 out of order, which motion prevailed.

House Joint Resolution No. 0074 -- Memorials, Congress -- Urges repeal of federal user fees imposed upon recreational boats. by *Hillis, *King, *Robinson Robb, *Davidson, *Buck.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hillis, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes.	92
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong,

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Arriola, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holt, Hubbard, Huskey, Jackson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

CONSENT CALENDAR

House Joint Resolution No. 0052 -- Memorials, Public Service -- Thoma family, Tullahoma Board of Education.

House Joint Resolution No. 0057 -- Memorials, Death -- Benjamin L. Longley.

On motion of Rep. Bivens, all members voting aye on the Consent Calendar were added as sponsors to House Joint Resolution No. 57.

House Joint Resolution No. 0058 -- Memorials, Public Service -- Joe McDaniel, soil conservationist.

House Joint Resolution No. 0060 -- Memorials, Public Service -- Glen Burse.

House Joint Resolution No. 0061 -- Memorials, Death -- Dr. Harold W. Bradley.

On motion of Rep. Bragg, all members voting aye on the Consent Calendar were added as sponsors to House Joint Resolution No. 61.

House Bill No. 0635 -- Bethel Springs -- Revises number of aldermen. Chapter 793, Private Acts of 1927, as amended.

House Bill No. 0636 -- Saltillo -- Revises terms of mayor and aldermen. Amends Chapter 699, Private Acts of 1951.

Senate Joint Resolution No. 0052 -- Memorials, Public Service -- Tennessee Baptist Children's Homes, Inc., Centennial.

Senate Joint Resolution No. 0053 -- Memorials, Public Service -- Judge Donald L. Washburn.

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Senate Joint Resolution No. 0055 -- Memorials, Personal Achievement -- Eric Richard Manahan.

Senate Joint Resolution No. 0058 -- Memorials, Professional and Business Achievement -- Murfreesboro, No. 1 medium sized city.

Senate Joint Resolution No. 0060 -- Memorials, Public Service -- Royce A. Davenport, Mayor, McMinnville.

Senate Joint Resolution No. 0071 -- Memorials, Death -- J. W. Cooper.

House Joint Resolution No. 0064 -- Memorials, Recognition and Thanks -- Five Oaks Development Group and Charlynn Maxwell-Porter.

House Joint Resolution No. 0065 -- Memorials, Personal Occasion -- Trochu Branham Garth, 90th birthday.

House Joint Resolution No. 0066 -- Memorials, Public Service -- Cecil Flowers, service to state parks.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills on the Clerk's desk be conformed and substituted for the appropriate House Bill, that all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	93
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

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REGULAR CALENDAR

House Bill No. 0263 -- Henry -- Changes term of office for mayor and aldermen. Amends Chapter 52, Private Acts of 1979.

Rep. Ridgeway moved that House Bill No. 263 be reset for five weeks to the calendar for Monday, March 18, 1991, which motion prevailed.

UNFINISHED BUSINESS

BILL REFERRED

Rep. Purcell moved that **House Bill No. 652** be recalled from the Conservation and Environment Committee and be referred to the Commerce Committee, which motion prevailed.

RULES SUSPENDED

Rep. Davis (Gibson) moved that the rules be suspended for the purpose of introducing House Resolution No. 4 out of order, which motion prevailed.

House Resolution No. 0004 -- Memorials, Public Service -- Milan High School and Gibson County High School. by *Davis Ray.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Davis (Gibson), the resolution was adopted.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE
February 11, 1991

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 81; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

RULES SUSPENDED

Rep. Purcell moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 81 out of order, which motion prevailed.

Senate Joint Resolution No. 0081 -- General Assembly, Joint Conventions -- Governor's address, Wednesday, February 13, 1991. by *Darnell.

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On motion, the rules were suspended for the immediate concurrence of the resolution.

On motion of Rep. Purcell, the resolution was concurred in.

A motion to reconsider was tabled.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 14: Rep(s). Arriola, Bivens, Buck, Byrd, Crain, Ferguson, Fowkles, Hargrove, Holt, Jackson, Johnson, Knight, Pinion, Rigsby, Rinks, Robinson (Davidson), Tindell and Windle as prime sponsor(s).

House Bill No. 15: Rep(s). Arriola, Bivens, Buck, Byrd, Crain, Ferguson, Fowkles, Hargrove, Holt, Jackson, Johnson, Knight, Pinion, Rigsby, Rinks, Robinson (Davidson), Tindell and Windle as prime sponsor(s).

House Bill No. 16: Rep(s). Arriola, Bivens, Buck, Byrd, Crain, Ferguson, Fowkles, Hargrove, Holt, Jackson, Johnson, Knight, Pinion, Rigsby, Rinks, Robinson (Davidson), Tindell and Windle as prime sponsor(s).

House Bill No. 52: Rep(s). Givens and Joyce as prime sponsor(s).

House Bill No. 67: Rep(s). Windle as prime sponsor(s).

House Bill No. 148: Rep(s). Davis (Cocke) as prime sponsor(s).

House Bill No. 176: Rep(s). Hassell, Kent and Robinson (Washington) as prime sponsor(s).

House Bill No. 349: Rep(s). Bragg as prime sponsor(s).

House Bill No. 562: Rep(s). Walley as prime sponsor(s).

House Bill No. 789: Rep(s). Bragg and West as prime sponsor(s).

House Bill No. 855: Rep(s). Purcell as prime sponsor(s).

House Joint Resolution No. 60: Rep(s). Williams (Shelby) added as sponsor(s).

INTRODUCTION OF RESOLUTIONS

On motion, the resolution(s) listed was/were introduced and referred as noted:

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House Joint Resolution No. 0068 -- Memorials, Public Service -- Fannie Williams, Woodbine Community Organization. by *Arriola.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0069 -- Memorials, Public Service -- John P. Franklin - 20 years as Chattanooga Chairman of Board of Education. by *Turner B, *Copeland, *McAfee, *Meyer, *Robinson C. B., *Wood.

Referred by the Speaker to the Calendar and Rules Committee.

House Joint Resolution No. 0070 -- Naming and Designating -- Howard Vincent Black, Sr., National Guard Armory, Bolivar. by *Walley.

Referred by the Speaker to the State and Local Government Committee.

House Joint Resolution No. 0071 -- Naming and Designating -- Students In Free Enterprise Week (SIFE), March 1991. by *Johnson.

Referred by the Speaker to the Education Committee.

SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)

On motion, the resolutions listed were referred as noted:

Senate Joint Resolution No. 0063 -- Memorials, Professional and Business Achievement -- Appalachian Electric Cooperative, fiftieth anniversary.

Referred by the Speaker to the Calendar and Rules Committee.

Senate Joint Resolution No. 0064 -- Memorials, Sports -- Middle Tennessee State University football team.

Referred by the Speaker to the Calendar and Rules Committee.

Senate Joint Resolution No. 0065 -- Memorials, Public Service -- McMinnville Manufacturing Company.

Referred by the Speaker to the Calendar and Rules Committee.

Senate Joint Resolution No. 0067 -- Memorials, Retirement -- Herb Faught, Chief Deputy.

Referred by the Speaker to the Calendar and Rules Committee.

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Senate Joint Resolution No. 0068 -- Memorials, Sports -- Shelbyville High School girls' basketball team.

Referred by the Speaker to the Calendar and Rules Committee.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 0870 -- Hickman County -- Enacts hotel/motel tax. by *Jackson.

Passed first consideration.

House Bill No. 0871 -- Architects and Engineers -- Regulates use of professional appellations. Amends TCA, Title 47, Ch. 18; Title 62, Ch. 2. by *Clark.

Passed first consideration.

House Bill No. 0872 -- Courts, General Sessions -- Applies Rule 4 of Rules of Civil Procedure. Amends TCA, Title 19, Ch. 1. by *Clark.

Passed first consideration.

House Bill No. 0873 -- Traffic Safety -- Removes warning citation for violation of safety belt law. Amends TCA 55-9-603. by *Robinson Robb, *Coffey, *Turner B, *Byrd, *Peroulas Draper, *Nuber, *Bittle, *Bragg, *Haley, Tindell.

Passed first consideration.

House Bill No. 0874 -- DUI/DWI Offenses -- Establishes procedure for immediate revocation of driver license. by *Robinson Robb, *Coffey, *Wood, *Cross, *Byrd, *Peroulas Draper, *Nuber, *Bittle, *Bragg, *McAfee, Givens, Haley, McDaniel, Tindell, Johnson.

Passed first consideration.

House Bill No. 0875 -- Contractors -- Enacts "Prompt Pay Act of 1991". Amends TCA, Title 12, Ch. 4, Pt. 7; Title 66. by *Bivens.

Passed first consideration.

House Bill No. 0876 -- District Attorneys -- Authorizes additional assistant district attorneys general and criminal investigator in 23rd judicial district. Amends TCA 16-2-506. by *Jackson, *Collier.

Passed first consideration.

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House Bill No. 0877 -- Pensions and Retirement Benefits -- Increases benefits to members of general assembly. Amends TCA 8-34-616, 8-36-103, 8-36-206, 209, 8-36-707, 8-36-207, 208. by *Hillis.

Passed first consideration.

House Bill No. 0878 -- Alcoholic Beverages -- Allows certain counties and municipalities to increase certain fees. Amends TCA 57-3-501. by *Stamps.

Passed first consideration.

House Bill No. 0879 -- Annexation -- Requires certain advance notification to certain persons whose property is to be annexed. Amends TCA, Title 6, Ch. 51. by *Bittle, *Peroulas Draper, *Venable.

Passed first consideration.

House Bill No. 0880 -- Annexation -- Extends to certain property owners judicial standing to challenge certain exercises of annexation; imposes certain restrictions on annexations. Amends TCA, Title 6, Ch. 51. by *Bittle, *Peroulas Draper, *Venable.

Passed first consideration.

House Bill No. 0881 -- Civil Procedure -- Exempts records custodians from subpoena to trial. Amends TCA 24-9-101. by *Bittle, *Peroulas Draper, Severance.

Passed first consideration.

House Bill No. 0882 -- Taxes, Sales -- Exempts certain items. Amends TCA, Title 67, Ch. 6, Pt. 3. by *Bittle, *Peroulas Draper, *Severance, *Tindell, *Armstrong, *Hill.

Passed first consideration.

House Bill No. 0883 -- Tort Liability -- Extends civil immunity to volunteers of nonprofit organizations. Amends TCA, Title 48, Ch. 58, Pt. 6. by *Bittle, *Duer, *Peroulas Draper, *Venable, Severance, Hill, Tindell.

Passed first consideration.

House Bill No. 0884 -- General Assembly -- Permits members to purchase special license plates for certain period. Amends TCA 55-4-225. by *Bittle, *Severance, *Peroulas Draper, *Armstrong, Hill, Tindell.

Passed first consideration.

House Bill No. 0885 -- Criminal Offenses -- Increases penalty for violation of Personal Rights Protection Act; makes property used

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in violation contraband. Amends TCA, Title 47, Ch. 25, Pt. 11. by *Ridgeway, *West.

Passed first consideration.

***House Bill No. 0886** -- Sunset Laws -- Extends termination date of appeals tribunal, department of employment security. Amends TCA, Title 4, Ch. 29; Title 50, Ch. 7. by *King, *Garrett, *Kernell.

Passed first consideration.

***House Bill No. 0887** -- Sunset Laws -- Extends termination date of advisory council, Cordell Hull birthplace. Amends TCA, Title 4, Chs. 11, 13, 29. by *King, *Garrett, *Kernell.

Passed first consideration.

***House Bill No. 0888** -- Sunset Laws -- Extends termination date of utility management review board. Amends TCA, Title 4, Ch. 29; Title 7, Ch. 82; Title 67, Ch. 3. by *King, *Garrett, *Kernell.

Passed first consideration.

***House Bill No. 0889** -- Sunset Laws -- Extends termination date of commodity producer indemnity board. Amends TCA, Title 4, Ch. 29; Title 43, Ch. 32. by *King, *Kernell, *Garrett.

Passed first consideration.

***House Bill No. 0890** -- Sunset Laws -- Extends termination date of board of review, department of employment security. Amends TCA, Title 4, Chs. 5, 29; Title 50, Ch. 7. by *King, *Kernell, *Garrett.

Passed first consideration.

House Bill No. 0891 -- Corporations -- Enacts "Tennessee Professional Corporation Act". Amends TCA, Title 48, Ch. 3, Pt. 4. by *Williams K.

Passed first consideration.

House Bill No. 0892 -- Corporations -- Makes certain employees of professional corporations liable for negligent or wrongful acts or omissions. Amends TCA, Title 48, Ch. 3, Pt. 4. by *Williams K.

Passed first consideration.

House Bill No. 0893 -- Criminal Offenses -- Creates offense of fraudulent transfer of motor vehicle. Amends TCA, Title 39, Ch. 14, Pt. 1. by *Williams K.

Passed first consideration.

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House Bill No. 0894 -- Fees -- Increases fees for various probate filings. Amends TCA 8-21-401, 30-2-306, 314, 55-8-132, 67-8-406. by *Williams K.

Passed first consideration.

House Bill No. 0895 -- County Officers -- Authorizes Shelby County to establish fees charged by sheriffs. Amends TCA, Title 8, Ch. 21. by *Williams K.

Passed first consideration.

House Bill No. 0896 -- Insurance Companies, Agents, Brokers -- Provides for reinsurance agreements. Amends TCA, Title 56, Ch. 4, Pt. 2. by *Rhinehart.

Passed first consideration.

House Bill No. 0897 -- Education -- Expands eligibility criteria for professional education associations for payroll dues deduction. Amends TCA 8-23-204. by *Jones U, *Winningham, *Davidson, *Kernell, *Knight, *Pinion, *King, *Turner L, *Chumney, *Robinson C B.

Passed first consideration.

House Bill No. 0898 -- Teachers -- Authorizes payroll dues deduction for professional education associations at state special schools. by *Kisber, *Tindell, *Winningham, *Davidson, *Kernell, *Windle, *Knight, *Pinion, *Rhinehart, *Davis R E, *Whitson, *Robinson C B, Jones U, King, Turner L, Dixon, Chumney.

Passed first consideration.

House Bill No. 0899 -- Highways, Roads and Bridges -- Prohibits vegetation cutting on highway rights of way. Amends TCA, Title 54, Ch. 22. Repeals TCA 54-21-119, 120. by *Kernell, *Peroulas Draper.

Passed first consideration.

***House Bill No. 0900** -- Tobacco, Tobacco Products -- Increases fine from \$50 to \$100 for sales to minors. Amends TCA 39-15-411. by *Kernell, *Knight.

Passed first consideration.

House Bill No. 0901 -- Highways, Roads and Bridges -- Provides for inventory of certain highway properties. Amends TCA, Title 54, Ch. 5. by *Kernell.

Passed first consideration.

House Bill No. 0902 -- District Attorneys -- Provides staffing

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option for district attorney general in 25th judicial district. Amends TCA 16-2-506. by *Crain, *Walley, *Naifeh.

Passed first consideration.

House Bill No. 0903 -- Tennessee Housing Development Agency -- Extends authority for grant programs for affordable housing production and rehabilitation. Amends TCA, Title 13, Ch. 23, 67-4-409. by *Purcell, *Kisber, *Love, *Turner L, *Rhinehart, *Turner B, *Bragg, *West, *McAfee, *Williams K, *Davidson, *Coffey, *Knight, *Hargrove, *Pruitt, *Hubbard, Meyer, Wood, Tindell, Robinson Robb, Bivens, Dixon, Jones U, Walley, Head, Kernell, Duer, Hillis, Ferguson, DeBerry, Jones R.

Passed first consideration.

House Bill No. 0904 -- Tennessee Housing Development Agency -- Expands programs concerning affordable housing; changes priorities of fixtures to prior recorded mortgage. Amends TCA, Title 13, Ch. 23, 47-9-313. by *Purcell, *Kisber, *Ridgeway, *Love, *Turner L, *Bragg, *West, *Williams K, *Coffey, *Hubbard, *Hargrove, *Pruitt, Robinson Robb, Dixon, Jones U, Kernell, Ferguson, Jones R.

Passed first consideration.

House Bill No. 0905 -- Adoption -- Requires investigation when proposed parents are indigent. Amends TCA, Title 36, Ch. 1. by *Odom.

Passed first consideration.

***House Bill No. 0906** -- General Assembly -- Prohibits honoraria. Amends TCA, Titles 2, 3. by *Jackson.

Passed first consideration.

House Bill No. 0907 -- Indigents -- Enacts "Tennessee Family Insurance Assistance Program". Amends TCA, Title 71. by *Kisber, *Armstrong.

Passed first consideration.

House Bill No. 0908 -- Licenses -- Revises education and experience requirements for licensure of real estate appraisers. Amends TCA, Title 62. by *Hubbard.

Passed first consideration.

House Bill No. 0909 -- Workers' Compensation -- Changes standard of review for appeals. Amends TCA 50-6-225. by *Buck.

Passed first consideration.

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House Bill No. 0910 -- Sunset Laws -- Extends termination date of public health council. Amends TCA, Title 4, Ch. 29; Title 68, Ch. 1. by *Kernell, *Garrett, *King.

Passed first consideration.

House Bill No. 0911 -- State Employees -- Excludes certain higher education employees from definition of "state service"; clarifies board of regent duties. Amends TCA 8-30-101, 49-8-203. by *DeBerry, *Cross, *West, *King.

Passed first consideration.

House Bill No. 0912 -- Pensions and Retirement Benefits -- Expands earnable compensation element in formula for computing state employee retirement allowances. Amends TCA 8-34-106. by *Purcell, *Rhinehart, *Ridgeway, *Love, *Givens, *Kisber, *Turner B, *Tindell, *West, *King.

Passed first consideration.

House Bill No. 0913 -- Pensions and Retirement Benefits -- Decreases number of years for retirement eligibility. Amends TCA 8-36-201. by *Rhinehart, *Ridgeway, *Cross, *Kisber, *West, *King.

Passed first consideration.

House Bill No. 0914 -- Pensions and Retirement Benefits -- Increases element of retirement allowance for state employees. Amends TCA 8-36-206. by *Rhinehart, *Ridgeway, *Holt, *Cross, *Kisber, *West, *King.

Passed first consideration.

House Bill No. 0915 -- University of Tennessee -- Allows Georgia residents admission to UT-Chattanooga at in state rates. Amends TCA 49-8-102. by *Turner B, *Wood, *Robinson C B, *Meyer, *McAfee.

Passed first consideration.

House Bill No. 0916 -- Taxes -- Enacts "Tennessee Tax Amnesty Act of 1991". Amends TCA, Title 67. by *Kisber.

Passed first consideration.

House Bill No. 0917 -- Taxes -- Enacts "Taxpayers Bill of Rights Act of 1991". Amends TCA, Title 67. by *Kisber.

Passed first consideration.

House Bill No. 0918 -- Solid Waste Disposal -- Expands time limit to comply with new regulations for existing solid waste landfills. Amends TCA, Title 68, Ch. 31. by *Kisber.

Passed first consideration.

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House Bill No. 0919 -- Hazardous Materials -- Increases time limit for public notice of application for permit for facility. Amends TCA, Title 68, Ch. 46. by *Kisber.

Passed first consideration.

House Bill No. 0920 -- Air Pollution -- Increases threshold requirement for right to de novo review of civil penalty assessment. Amends TCA, Title 68, Ch. 25; Title 69, Ch. 3. by *Kisber.

Passed first consideration.

House Bill No. 0921 -- Hazardous Materials -- Modifies date for promulgation of rules relative to hazardous waste storage, treatment, and disposal facilities. Amends TCA, Title 68, Chs. 31, 33, 46. by *Kisber.

Passed first consideration.

House Bill No. 0922 -- Solid Waste Disposal -- Requires new construction of facility to comply with local zoning laws. Amends TCA, Title 68, Ch. 31. by *Kisber.

Passed first consideration.

House Bill No. 0923 -- Mass Transit -- Authorizes local governments to make grants or loans to regional transportation authorities. Amends TCA, Title 64, Ch. 8; Title 67. by *Robinson Robb.

Passed first consideration.

SENATE BILLS TRANSMITTED

On motion, the bills listed were transmitted to the House and held on the Clerk's desk as noted:

***Senate Bill No. 0023** -- Publications, State -- Requires secretary of state to distribute public acts to assessors of property. Amends TCA 12-6-102. (HB 0012).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0024** -- Public Records -- Allows photocopying and return of original federal tax lien documents to filer by county register. Amends TCA, Title 66, Ch. 21. (HB 0650).

Held pending third consideration of companion House Bill.

***Senate Bill No. 0088** -- General Assembly -- Requires that formal action to name or rename a public structure or facility must

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be by legislative enactment or joint resolution. Amends TCA, Title 3, Ch. 2. (HB 0271).

Held pending third consideration of companion House Bill.

SENATE BILLS ON FIRST CONSIDERATION

On motion, the bills listed were introduced and passed first consideration:

***Senate Bill No. 0053** -- Ethics -- Prohibits disqualification of member of local governing body from employment as court reporter in matters involving member. Amends TCA, Title 12, Ch. 4, Pt. 1.

Passed first consideration.

***Senate Bill No. 0125** -- Alcoholic Beverages -- Decreases days a restaurant must be open to serve alcoholic beverages. Amends TCA 57-4-102.

Passed first consideration.

***Senate Bill No. 0130** -- Alcoholic Beverages -- Authorizes "microbreweries" in Davidson and Shelby counties; allows certain manufacturers to operate restaurant and sell directly to retailers. Amends TCA 55-5-101.

Passed first consideration.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

House Bill No. 0793 -- Agriculture -- Passed second consideration and referred to the Agriculture Committee.

House Bill No. 0794 -- District Attorneys -- Passed second consideration and referred to the Judiciary Committee.

House Bill No. 0795 -- District Attorneys -- Passed second consideration and referred to the Judiciary Committee.

House Bill No. 0796 -- Pensions and Retirement Benefits -- Passed second consideration and referred to the State and Local Government Committee.

House Bill No. 0797 -- Insurance Companies, Agents, Brokers -- Passed second consideration and referred to the Commerce Committee.

House Bill No. 0798 -- Education -- Passed second consideration and referred to the Education Committee.

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House Bill No. 0799 -- County Officers -- Passed second consideration and referred to the State and Local Government Committee.

House Bill No. 0800 -- Education -- Passed second consideration and referred to the Education Committee.

House Bill No. 0801 -- Fairs -- Passed second consideration and referred to the Agriculture Committee.

House Bill No. 0802 -- Health -- Passed second consideration and referred to the Health and Human Resources Committee.

House Bill No. 0803 -- Education, Higher -- Passed second consideration and referred to the Education Committee.

House Bill No. 0804 -- Hospitals and Health Care Facilities -- Passed second consideration and referred to the Health and Human Resources Committee.

House Bill No. 0805 -- Garnishments and Executions -- Passed second consideration and referred to the Judiciary Committee.

House Bill No. 0806 -- Education, Higher -- Passed second consideration and referred to the Education Committee.

House Bill No. 0807 -- Workers' Compensation -- Passed second consideration and referred to the Consumer and Employee Affairs Committee.

House Bill No. 0808 -- Workers' Compensation -- Passed second consideration and referred to the Consumer and Employee Affairs Committee.

House Bill No. 0809 -- Workers' Compensation -- Passed second consideration and referred to the Consumer and Employee Affairs Committee.

House Bill No. 0810 -- Education, Higher -- Passed second consideration and referred to the State and Local Government Committee.

House Bill No. 0811 -- Education -- Passed second consideration and referred to the Education Committee.

House Bill No. 0812 -- Taxes -- Passed second consideration and referred to the Finance, Ways and Means Committee.

House Bill No. 0813 -- Telecommunications -- Passed second consideration and referred to the Commerce Committee.

House Bill No. 0814 -- Financial Disclosure -- Passed second consideration and referred to the State and Local Government Committee.

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House Bill No. 0815 -- Driver Licenses -- Passed second consideration and referred to the Judiciary Committee.

House Bill No. 0816 -- Agriculture -- Passed second consideration and referred to the Agriculture Committee.

House Bill No. 0817 -- Benton -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 0818 -- Pensions and Retirement Benefits -- Passed second consideration and referred to the State and Local Government Committee.

House Bill No. 0819 -- Home Improvement Contractors -- Passed second consideration and referred to the Commerce Committee.

House Bill No. 0820 -- County Officers -- Passed second consideration and referred to the Judiciary Committee.

House Bill No. 0821 -- Election Laws -- Passed second consideration and referred to the State and Local Government Committee.

House Bill No. 0822 -- Architects and Engineers -- Passed second consideration and referred to the Judiciary Committee.

House Bill No. 0823 -- Home Improvement Contractors -- Passed second consideration and referred to the Commerce Committee.

House Bill No. 0824 -- Taxes, Sales -- Passed second consideration and referred to the Finance, Ways and Means Committee.

House Bill No. 0825 -- Election Laws -- Passed second consideration and referred to the State and Local Government Committee.

House Bill No. 0826 -- Contractors -- Passed second consideration and referred to the Commerce Committee.

House Bill No. 0827 -- Alcoholic Beverages -- Passed second consideration and referred to the State and Local Government Committee.

House Bill No. 0828 -- Correctional Programs -- Passed second consideration and referred to the State and Local Government Committee.

House Bill No. 0829 -- Alcoholic Beverages -- Passed second consideration and referred to the State and Local Government Committee.

House Bill No. 0830 -- Franklin County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

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House Bill No. 0831 -- Wildlife Resources Commission -- Passed second consideration and referred to the Government Operations Committee.

House Bill No. 0832 -- Uniform Commercial Code -- Passed second consideration and referred to the Commerce Committee.

House Bill No. 0833 -- Credit Unions -- Passed second consideration and referred to the Commerce Committee.

House Bill No. 0834 -- Contractors -- Passed second consideration and referred to the Commerce Committee.

House Bill No. 0835 -- Contractors -- Passed second consideration and referred to the Commerce Committee.

***House Bill No. 0836** -- Contractors -- Passed second consideration and referred to the Judiciary Committee.

House Bill No. 0837 -- Contractors -- Passed second consideration and referred to the Commerce Committee.

House Bill No. 0838 -- Contractors -- Passed second consideration and referred to the Commerce Committee.

House Bill No. 0839 -- Contractors -- Passed second consideration and referred to the Judiciary Committee.

House Bill No. 0840 -- Contractors -- Passed second consideration and referred to the Commerce Committee.

House Bill No. 0841 -- Taxes, Severance -- Passed second consideration and referred to the Finance, Ways and Means Committee.

House Bill No. 0842 -- Workers' Compensation -- Passed second consideration and referred to the Consumer and Employee Affairs Committee.

House Bill No. 0843 -- Workers' Compensation -- Passed second consideration and referred to the Judiciary Committee.

House Bill No. 0844 -- Workers' Compensation -- Passed second consideration and referred to the Consumer and Employee Affairs Committee.

House Bill No. 0845 -- Wills -- Passed second consideration and referred to the Judiciary Committee.

House Bill No. 0846 -- Traffic Safety -- Passed second consideration and referred to the Judiciary Committee.

***House Bill No. 0847** -- Real Estate Agents and Brokers -- Passed second consideration and referred to the Commerce Committee.

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House Bill No. 0848 -- Teachers -- Passed second consideration and referred to the Education Committee.

House Bill No. 0849 -- Education -- Passed second consideration and referred to the Education Committee.

House Bill No. 0850 -- Liens -- Passed second consideration and referred to the Commerce Committee.

House Bill No. 0851 -- District Attorneys -- Passed second consideration and referred to the Judiciary Committee.

House Bill No. 0852 -- District Attorneys -- Passed second consideration and referred to the Judiciary Committee.

House Bill No. 0853 -- Utilities, Utility Districts -- Passed second consideration and referred to the Commerce Committee.

House Bill No. 0854 -- Judges and Chancellors -- Passed second consideration and referred to the Judiciary Committee.

House Bill No. 0855 -- Divorce and Annulment -- Passed second consideration and referred to the Judiciary Committee.

House Bill No. 0856 -- Boards and Commissions -- Passed second consideration and referred to the Commerce Committee.

House Bill No. 0857 -- Age of Majority -- Passed second consideration and referred to the Judiciary Committee.

House Bill No. 0858 -- Motor Vehicles -- Passed second consideration and referred to the Commerce Committee.

House Bill No. 0859 -- Hickman County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 0860 -- Hickman County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

House Bill No. 0861 -- Animals -- Passed second consideration and referred to the Conservation and Environment Committee.

House Bill No. 0862 -- Taxes, Income -- Passed second consideration and referred to the State and Local Government Committee.

House Bill No. 0863 -- Taxes, Income -- Passed second consideration and referred to the State and Local Government Committee.

House Bill No. 0864 -- Taxes, Sales -- Passed second consideration and referred to the Finance, Ways and Means Committee.

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House Bill No. 0865 -- Taxes, Sales -- Passed second consideration and referred to the State and Local Government Committee.

House Bill No. 0866 -- Taxes, Sales -- Passed second consideration and referred to the Finance, Ways and Means Committee.

House Bill No. 0867 -- Taxes, Sales -- Passed second consideration and referred to the Finance, Ways and Means Committee.

House Bill No. 0868 -- Taxes -- Passed second consideration and referred to the Finance, Ways and Means Committee.

House Bill No. 0869 -- Salaries and Benefits -- Passed second consideration and referred to the Consumer and Employee Affairs Committee.

**LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES
February 11, 1991**

In accordance with **Rule No. 48**, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 29, 282 and 830.

**REPORT OF COMMITTEE ON CALENDAR AND RULES
CONSENT CALENDAR
February 11, 1991**

MR. SPEAKER: The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the Consent Calendar for **Thursday, February 14, 1991**: House Joint Resolution(s) No(s). 68 and 69; House Bill(s) No(s). 29, 282 and 830; also Senate Joint Resolution(s) No(s). 63, 64, 65, 67 and 68.

PHILLIPS, Chair.

**MESSAGE FROM THE GOVERNOR
February 11, 1991**

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 20, 21, 22, 23, 53 and 56, with his approval.

DAVID H. WELLES,
Counsel to the Governor.

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**ENGROSSED BILLS
February 11, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 74 and 75; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
February 11, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 79 and 82; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0079 -- Memorials, Public Service -- Joyce Holt. by *Darnell.

Senate Joint Resolution No. 0082 -- Memorials, Death -- Danny Thomas. by *Cohen, et. al.

**ENGROSSED BILLS
February 11, 1991**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 635 and 636; also, House Joint Resolution(s) No(s). 52, 57, 58, 60, 61, 64, 65 and 66; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE
February 11, 1991**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 29, 30, 31, 32, 37, 39, 40, 42, 43, 44, 54 and 75; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

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**MESSAGE FROM THE SENATE
February 11, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 83; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Senate Joint Resolution No. 0083 -- Memorials, Sports -- Trousdale County High School football team, Class C state champions. by *Burks.

**MESSAGE FROM THE SENATE
February 11, 1991**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 4, 9, 17, 21, 22, 27, 33, 36, 40, 52, 65, 94, 96, 97, 105, 112, 117, 194 and 358; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

***Senate Bill No. 0004 --** General Assembly -- Permits members to purchase special license plates for certain period. Amends TCA 55-4-225.

***Senate Bill No. 0009 --** Education -- Expands list of personnel authorized to suspend students. Amends TCA 49-6-3401.

***Senate Bill No. 0017 --** Utilities, Utility Districts -- Authorizes adoption of utility district purchasing procedures by water and wastewater treatment authorities. Amends TCA 68-13-607.

***Senate Bill No. 0021 --** Motor Vehicles -- Enhances penalties for second and subsequent violations of the energy absorption system requirements. Amends TCA 55-9-215.

***Senate Bill No. 0022 --** Highway Signs -- "Purple Heart Highway," U.S. 70S in Warren County.

***Senate Bill No. 0027 --** State Employees -- Prevents agency of state government from sanctioning certain employees.

***Senate Bill No. 0033 --** Guardianship -- Revises certain provisions relative to guardians, their bonds and disposition of minor's funds. Amends TCA 34-1-102, 106, 34-2-106.

***Senate Bill No. 0036 --** Witnesses -- Delays payment of witness compensation until taxed and paid into court as costs. Amends TCA 24-4-101.

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***Senate Bill No. 0040 -- DUI/DWI Offenses --** Expands use of restricted driver license for DUI offender to include driving to and from alcohol safety program. Amends TCA 55-10-401.

***Senate Bill No. 0052 -- Highway Signs --** Bledsoe Creek State Park. Amends TCA, Title 54, Ch. 5, Pt. 7.

***Senate Bill No. 0065 -- Wine, Wineries --** Allows wineries to give certain wine to not-for-profit organizations. Amends TCA 57-3-207.

***Senate Bill No. 0094 -- Highway Signs --** Norris Lake, I-75.

Senate Bill No. 0096 -- Highway Signs -- Nashville School of Law, I-65. Amends TCA, Title 54, Ch. 5, Pt. 7.

Senate Bill No. 0097 -- Surveyors -- Allows for establishment of continuing educational requirements for surveyors. Amends TCA 62-18-106.

***Senate Bill No. 0105 -- Driver Education --** Adds department of safety as driver training instructor certifiers. Amends TCA 55-50-304.

***Senate Bill No. 0112 -- Public Defenders --** Requires candidates to disclose certain campaign contributions. Amends TCA, Title 2, Ch. 10.

***Senate Bill No. 0117 -- Military --** Gives military reserve and national guard personnel tuition credit when called to active duty while attending state college or university.

***Senate Bill No. 0194 -- Criminal Offenses --** Makes vandalism or destruction of caves specific criminal offense. Amends TCA, Title 11, Ch. 5, Pt. 2.

***Senate Bill No. 0358 -- County Officers --** Abolishes office of constable in Blount County. Amends TCA 8-10-101, 108, 39-6-616, 40-6-210, 55-8-152, 55-9-414, 57-5-202, 57-9-101.

ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Dixon, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R

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(Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Phillips, Pinion, Pruitt, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

On motion of Rep. Purcell, the House recessed until 1:00 p.m., Wednesday, February 13, 1991.